



Practitioner's Docket No.: 100_007 CIP-RCE

**PATENT
ON APPEAL**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE HONORABLE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the application of: Dwayne Lacey

Ser. No.: 09/935,297

Group Art Unit: 3764

Filed: August 22, 2001

Examiner: DeMille, D.

Confirmation No.: 9672

For: HEAD MASSAGING DEVICE

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TRANSMITTAL OF BRIEF ON APPEAL

Sir:

Transmitted herewith are three copies of the Appellant's Brief on Appeal together with a check in the amount of \$250.00 to cover the fee under 37 CFR 1.17(c).

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Respectfully submitted,

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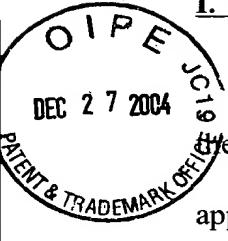
BRIEF ON APPEAL

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I. REAL PARTY IN INTEREST

The real party in interest in the present appeal is Mr. Dwayne Lacey, the sole inventor in the present application (there has been no Assignment of the present invention or the present application).

II. RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences regarding this application or any application which is related to the present application.

III. STATUS OF CLAIMS

Claims 1-4 and 6-33 are pending.

Claims 1-4 and 6-33 stand finally rejected.

The applicants are appealing the rejections of claims 1-4 and 6-33 (these claims are set forth in Appendix A attached hereto).

IV. STATUS OF AMENDMENTS

No Amendment has been filed in this application after the presently-appealed final rejection (dated May 24, 2004).

V. SUMMARY OF CLAIMED SUBJECT MATTER

It is respectfully noted that the following concise explanation of the subject matter defined in each of the independent claims involved in the present appeal is provided only to comply with 37 C.F.R. 41.37, and that in order to ascertain the precise scope of each claim involved in the present appeal, it is necessary to refer to the text of each such claim, in its entirety, as set forth in Appendix A hereto.

Claims 1, 7, 15, 23, 26 and 30 (all of the independent claims involved in the present appeal) are each directed to a head massaging device comprising a plurality of resilient fingers and a vibrator (specification, page 1, lines 30-31; page 2, lines 10-11). Each finger has a free end and an opposite end (specification, page 1, line 31 - page 2, line 1). Vibrations from the vibrator are transmitted through or along the fingers to the free ends of the fingers (specification, page 2, lines 11-12). The fingers define a head-receiving space which extends between the free ends and the opposite ends of the fingers and which has an opening formed by a juxtaposition of the free ends of the fingers (specification, page 2, lines 1-4). At least a portion of the head-receiving space has a circumference which exceeds a circumference of the opening whereby, in use, when the device is lowered onto the head, the free ends of the fingers apply pressure to and thus massage the head (specification, page 2, lines 4-8). The vibrator is coupled to the opposite ends of the fingers (specification, page 2, lines 10-11).

Claims 1 and 23 recite that the opposite ends of the fingers are coupled together (specification, page 2, line 1).

Claims 1 and 23 recite that the vibrator is an electric vibrator (specification, page 6, lines 7-8).

Claims 1 and 23 recite that the opening is smaller than the head (specification, page 2, line 4).

Claims 7, 15, 26 and 30 recite that the opening has a circumference which is smaller than a circumference of the head (specification, page 2, line 27).

Claims 1, 7, 15 and 23 recite that the vibrator generates vibrations which cause the vibrator to vibrate (specification, page 2, line 11; page 6, line 13).

Claims 26 and 30 recite that the vibrator generates vibrations (specification, page 2, line 11; page 6, line 13).

Claims 1, 7, 15 and 23 recite that the vibrations are transmitted from the vibrator to the opposite ends of the fingers (specification, page 2, lines 10-12).

Claims 26 and 30 recite that the vibrations are transmitted to the opposite ends of the fingers (specification, page 2, lines 10-12).

Claim 7 recites that the fingers are also pliable (specification, page 2, line 20).

Claims 7 and 26 recite that the opening is self-maintained (specification, page 2, lines 25-26).

Claims 15 and 30 recite that the head massaging device further comprises a handle (specification, page 3, line 8).

Claims 15 and 30 recite that the handle receives the opposite ends of the fingers (specification, page 3, line 8).

Claims 15 and 30 recite that the vibrator is disposed in the handle (specification, page 3, line 8).

Claims 15 and 30 recite that each of the fingers has a transversely extending portion

immediately adjacent the handle; each transversely extending portion is followed by a contiguous portion extending downwardly and inwardly from the transversely extending portion; the contiguous portion terminates in the free end; the transversely extending portion and the contiguous portion of the fingers together define the head-receiving space (specification, page 3, lines 9-13).

Claims 23, 26 and 30 recite that the fingers are non-rotating (specification, page 4, lines 28-29; page 5, lines 24-28).

Claims 26 and 30 recite that the opposite ends are fixed relative to the vibrator (specification, page 3, line 6).

VI. GROUNDS OF REJECTION

1. Claims 1-4 and 6-33 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,450,980 (Robbins '980) in view of U.S. Patent No. 5,421,799 (Rabin '799) or U.S. Patent No. 3,585,990 (Blachly '990).
2. Claims 1, 2, 7, 15-17, 23, 26, 27 and 29 are rejected under 35 U.S.C. §102(b) over Rabin '799.
3. Claims 1-3, 7-10, 15-19, 23 and 26-29 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5, 611,771 (Taylor '771).
4. Claims 1, 4, 6-8, 10, 13-17, 19, 22-27 and 30-32 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 2,113,444 (Erickson '444) in view of Rabin '799.
5. Claim 33 is rejected under 35 U.S.C. §103(a) over Erickson '444 in view of Rabin '799, further in view of U.S. Patent No. 836,217 (Rowe '217).

VII. ARGUMENT

Issue 1 Rejection of claims 1-4 and 6-33 under 35 U.S.C. §103(a) over Robbins '980 in view of Rabin '799 or Blachly '990

Claims 1-4 and 6-33

Each of the independent claims involved in the present appeal recites a head massaging device comprising a plurality of resilient fingers, each finger having a free end and an opposite end. The fingers define a head-receiving space which extends between the free ends and the opposite ends of the fingers. The head-receiving space has an opening at one end formed by a juxtaposition of the free ends of the fingers. At least a portion of the head-receiving space has a circumference which exceeds a circumference of the opening whereby, in use, when the device is lowered onto the head, the free ends of the fingers apply pressure to and thus massage the head.

Robbins '980 discloses a massage device for the head or scalp which has flexible, metallic prongs or fingers (Robbins '980, Abstract, lines 1-4). The massage device includes a handle 10 and a plurality of flexible, elongated members 22, 24, 26, and 28 (Robbins '980, column 2, lines 57-59).

Robbins '980 does not disclose or suggest a device which includes a head-receiving space as recited in the present claims. The final rejection contains a statement that "Robbins teaches a head massaging device comprising a plurality of resilient fingers having the head receiving space and opening as claimed." (May 24, 2004 Office Action, page 2, lines 9-10 from last). However, even on close review of Robbins '980, there is no disclosure in Robbins '980 which supports this statement in the Final Rejection. It would appear that the U.S. PTO is improperly importing this

construction from knowledge of the Applicant's present invention. References must be viewed without the benefit of hindsight vision afforded by the claimed invention. (See *In re Fritch*, 23 USPQ2d 1780, 1785 (Fed. Cir. 1992.)

Upon reviewing Robbins '980 in detail, it becomes apparent that there is no disclosure that the fingers are configured to define a head-receiving space and to have an opening as recited in the claims. Some of the figures in Robbins '980 depict the fingers as being bent, but there is no suggestion that this has any significance to the working of Robbins '980 and, more particularly, that a head could be received within the space defined by the fingers. Looking at Fig. 1 of Robbins '980, it is apparent that the bend in the fingers is substantially closer to the terminal or free ends of the fingers, rather than the handle. The small degree of divergence of the fingers from the handle indicates that the fingers are not so configured as to define a head-receiving space.

Robbins '980 discloses, in the paragraph bridging columns 2 and 3, that the fingers may be bent by a user to be moved to another position or to be formed into another shape. However, such disclosure is well short of constituting a description of the configuration of fingers as recited in the present claims. The mere fact that Robbins '980 discloses that the fingers may be bent into other positions, or formed into other shapes, is clearly not a disclosure that the fingers are bent into a shape as recited in the present claims. Arriving at fingers having shapes as recited in the present claims from within the disclosure in Robbins '980 would require numerous selections which are simply not described in Robbins '980. The shape and configuration recited in the claims is an important part of the present invention and cannot simply be ignored. The particular shape and configuration according to the present invention allows the head of the user to be

received within the fingers so that the free ends of the fingers apply pressure around a circumference of the head.

Rabin '799 discloses a scalp massager which includes a frame 12, a crosspiece 30 and an occiput crosspiece 32 (Robbins '980, Fig. 1; col. 2, lines 47-49; col. 3, lines 6-8). The scalp massager includes pad members which contact the head of the user, including a resilient pad 48, a resilient pad 54, resilient pads 70 and 72 and resilient pads 86 and 88 (Robbins '980, col. 3, lines 26-34, 48-55 and 56-68; col. 4, lines 29-37). A vibration generating apparatus which has a plastic housing 20 is mounted on the frame 12.

Rabin '799, like Robbins '980, does not disclose or suggest an arrangement of fingers as recited in the present claims. As noted above, the present claims recite fingers which define a head-receiving space which extends between the free ends and the opposite ends of the fingers, the head-receiving space having an opening at one end formed by a juxtaposition of the free ends of the fingers. The present claims further recite that at least a portion of the head-receiving space has a circumference which exceeds a circumference of the opening. The device disclosed in Rabin '799 does not exhibit these features. The disclosure and drawing figures in Rabin '799 indicate that the structure identified with reference number 12 is a supporting frame, which is significantly different from fingers as recited in the present claims. In addition, as clearly shown in Fig. 1 and as described in the disclosure of Rabin '799, the ends of the frame 12 do not come into contact with the head of the user, unlike the free ends of the fingers as recited in the present claims. In addition, as noted above, Rabin '799 is directed to a scalp massager for massaging *areas* of the scalp, whereas the devices according to the present invention provide massaging by virtue of contact of the free ends of fingers with the scalp of the user. Accordingly, any

combination of Robbins ‘980 with Rabin ‘799 would not result in a structure having the features recited in the present claims.

Blachly ‘990 discloses an electric massager having a housing 21 in which is held an electric motor 63 which causes rotation of an eccentric 70 about a shaft 72 (Blachly ‘990, Fig. 2; col. 2, lines 14-18; col. 3, lines 8-20). An attachment 22 is demountably mounted on the housing 21, the attachment 22 having a plurality of massaging fingers 44 (apparently depicted with the reference number 24 in Figs. 1 and 2)(Blachly ‘990, col. 2, lines 17-19 and 63-65).

Blachly ‘990, like Robbins ‘980, does not disclose or suggest an arrangement of fingers as recited in the present claims. As noted above, the present claims recite fingers which define a head-receiving space which extends between the free ends and the opposite ends of the fingers, the head-receiving space having an opening at one end formed by a juxtaposition of the free ends of the fingers. The present claims further recite that at least a portion of the head-receiving space has a circumference which exceeds a circumference of the opening. The device disclosed in Blachly ‘990 exhibits none of these features. Accordingly, any combination of Robbins ‘980 with Blachly ‘990 would not result in a structure having the features recited in the present claims.

In addition, the Final Rejection does not provide any basis for asserting that it would have been obvious to modify Robbins ‘980 in the manner as asserted in the Final Rejection based on disclosure in Rabin ‘799, i.e., to include in Robbins ‘980 a vibrator as disclosed in Rabin ‘799. Robbins ‘980 places considerable emphasis on the construction of a handle and the use of a memory alloy. It is specifically noted that Rabin ‘799 is referred to in the Background in Robbins ‘980. In the first paragraph under the heading “Summary of the Invention”, Robbins ‘980 states “. . . it is seen that it is a problem in the art to provide a device meeting the above

requirements.” Presumably, the “above requirements” relate to the requirements under the “Field of the Invention” in Robbins ‘980. Quite clearly then, Robbins ‘980 is instructing the reader *away* from each of the self disclosed prior art including Rabin ‘799. In addition, while Robbins ‘980 acknowledged the existence of Rabin ‘799, there is no suggestion whatsoever in Robbins ‘980 of any desirability of incorporating a vibrating means such as the one incorporated in the device according to Rabin ‘799.

Furthermore, the Final Rejection is factually incorrect in asserting that “[t]he Rabin device teaches providing a plurality of resilient fingers 12 wherein at the base of the fingers is mounted a vibrator” (May 24, 2004 Office Action, page 2, lines 3-5 from last). As noted above, the disclosure and drawing figures in Rabin ‘799 indicate that the structure identified with reference number 12 is a supporting frame, which is significantly different from fingers as recited in the present claims.

Furthermore, Robbins ‘980 and Blachly ‘990 do not contain disclosure which would motivate one of skill in the art to modify Robbins ‘980 in the manner suggested in the Final Rejection, i.e., to include in Robbins ‘980 a vibrator as disclosed in Blachly ‘990. Blachly ‘990 is directed to a massager which can be used to aid in the shampooing of the user’s hair and loosen dandruff (see Blachly ‘990, column 1, lines 5-9 and 18-21). This would appear to be the reason the Blachly ‘990 incorporates “stumpy” rubber fingers. The use of elongated fingers as disclosed in Robbins ‘980 would be at odds with the functionality of Blachly ‘990, as such fingers would simply bend under the force required to provide the dandruff loosening effect. Accordingly, persons of skill in the art would not have been motivated to attempt to modify Robbins ‘980 by looking to Blachly ‘990.

None of the applied references disclose or suggest a device which includes a vibrator coupled to the ends of fingers of a device as recited in the present claims, nor do any disclose or suggest a device with a vibrator coupled to fingers which define a head-receiving space which extends between the free ends and the opposite ends of the fingers, the head-receiving space having an opening at one end formed by a juxtaposition of the free ends of the fingers, at least a portion of the head-receiving space having a circumference which exceeds a circumference of the opening.

Claims 15 (and dependent claims 16-22) and 30 (and dependent claims 31-33)

Additionally, with respect to claims 15-22 and 30-33, claims 15 and 30 each recite that each of the fingers has a transversely extending portion immediately adjacent the handle, and a contiguous portion extending downwardly and inwardly from the transversely extending portion. Robbins '980, Rabin '799 and Blachly '990 each do not disclose fingers having such transversely extending portions and such contiguous portions. The Final Rejection asserts that:

. . . the claimed transversely extended portion is merely the shape of the fingers as they exist with a handle. This would appear to be merely a design choice dependent on specific intended use.

(May 24, 2004 Office Action, page 3, lines 5-7). The Office Action further includes a statement that “[c]learly Robbins teaches the fingers can be bent into any desired configuration.” (May 24, 2004 Office Action, page 3, lines 10-11). Again, as noted above, mere disclosure in Robbins '980 that the fingers can be bent does not amount to disclosure of the shapes of the fingers as recited in claims 15 and 30. Rabin '799 and Blachly '990 also lack disclosure of fingers which

each have a transversely extending portion immediately adjacent the handle and a contiguous portion extending downwardly and inwardly from the transversely extending portion. The particular shape and configuration of the fingers as recited in claims 15 and 30 is especially suited to allowing the head of the user to be received within the fingers so that the free ends of the fingers apply pressure around a circumference of the head.

Issue 2 **Rejection of claims 1, 2, 7, 15-17, 23, 26, 27 and 29 under 35 U.S.C. §102(b) over Rabin '799**

Claims 1, 2, 7, 15-17, 23, 26, 27 and 29

This rejection appears to be based on a misreading of Rabin '799. As noted above, Rabin discloses a scalp massager which includes a frame 12 to which are attached a crosspiece 30 and an occiput crosspiece 32. The ends of the frame 12 do not contact the head of the user. As clearly shown in the drawing figures of Rabin '799 and as described in the disclosure thereof, the parts of the scalp massager which come in contact with the head of the user consists of the resilient pad 48, the resilient pad 54, the temporal pad members 70 and 72, and resilient pads 86 and 88.

Accordingly, Rabin '799 does not disclose a plurality of resilient fingers each having a free end and an opposite end and shaped such that in use, when the device is lowered onto the head so that the head enters through an opening defined by a juxtaposition of the free ends of the fingers, the free ends of the fingers apply pressure to and thus massage the head, as recited in the present claims. In fact, when the frame 12 of Rabin '799 is at rest as shown in Fig. 8, the frame 12 curls up on itself (Rabin '799, column 2, lines 51-54). In order to use the scalp massager, the

user physically expands the scalp massager 10, stretching the frame 12 into an arc and placing the frame onto the user's head (Rabin '799, column 2, lines 54-56; column 5, lines 1-5). Moreover, Rabin '799 does not disclose a head massager having a plurality of resilient fingers each having a free end and an opposite end, at least a portion of a head-receiving space defined by the fingers having a circumference which exceeds a circumference of an opening defined by a juxtaposition of the free ends of the fingers, whereby, in use, when the device is lowered onto the head so that the head enters the head-receiving space through the opening, the free ends of the fingers apply pressure to and thus massage the head.

Claims 1 (and dependent claims 2-4, 6) and 23 (and dependent claims 24-25)

In addition, with respect to claims 1-4, 6 and 23-25, claims 1 and 23 recite that the opposite ends of the fingers are *coupled together*. As noted above, Rabin '799 does not disclose fingers as recited in the claims, and further does not disclose a device in which the opposite ends of such fingers are coupled together.

Claim 15 (and dependent claims 16 and 17)

Additionally, with respect to claims 15-17, as noted above, claim 15 recites that each of the fingers has a transversely extending portion immediately adjacent the handle, and a contiguous portion extending downwardly and inwardly from the transversely extending portion. As noted above, Rabin '799 does not disclose fingers having such transversely extending portions and such contiguous portions. As pointed out above, when the frame 12 of Rabin '799 is at rest as shown in Fig. 8, the frame 12 curls up on itself. Even if it were somehow deemed

that the frame 12 could be bent, such a property would not amount to disclosure of the shapes of the fingers as recited in claim 15. As noted above, the particular shape and configuration of the fingers as recited in claim 15 is especially suited to allowing the head of the user to be received within the fingers so that the free ends of the fingers apply pressure around a circumference of the head.

Issue 3 **Rejection of claims 1-3, 7-10, 15-19, 23 and 26-29 under 35 U.S.C. §102(b) over Taylor '771**

Claims 1-3, 7-10, 15-19, 23 and 26-29

Taylor '771 discloses a headset assembly 11 formed and dimensioned for mounting to a user's head 12 (Taylor '771, column 3, lines 29-30). A pair of vibration generating assemblies 13, 13' each include a motor or vibrating device 14, 14' (Fig. 4) (Taylor '771, column 3, lines 31-35). The vibration generating assemblies 13, 13' include flexible extension fingers 16, 16', each of which includes a tip portion 17, 17' manually movable for contact at independent selected portions of the user's head (Taylor '771, column 3, lines 38-43). The headset assembly 11 further includes nub portions 36, 36' which contact the temple of the user's head for massage thereof (Taylor '771, column 4, lines 60-63).

As noted above, each of the independent claims involved in the present appeal recites a head massaging device comprising a plurality of resilient fingers, each finger having a free end and an opposite end, the fingers defining a head-receiving space which extends between the free ends and the opposite ends of the fingers, the head-receiving space having an opening at one end formed by a juxtaposition of the free ends of the fingers, at least a portion of the head-receiving

space having a circumference which exceeds a circumference of the opening, such that, in use, when the device is lowered onto the head, the free ends of the fingers apply pressure to and thus massage the head.

Taylor '771 does not disclose such a head-receiving space. As noted above, in Taylor '771, the extension fingers 16, 16' are manually movable for contact at independent selected portions of the user's head. Taylor '771 does not disclose a device in which free ends of fingers apply pressure to and massage the head as the device is lowered onto the head with the head entering a head-receiving space through an opening defined by a juxtaposition of the free ends of the fingers, as recited in the present claims.

Claims 1 (and dependent claims 2 and 3) and 23

In addition, with respect to claims 1-3 and 23, as noted above, claims 1 and 23 each recite that the opposite ends of the fingers are coupled together. Taylor '771 does not disclose a device in which opposite ends of the fingers are coupled together.

Claim 15 (and dependent claims 16-19)

In addition, with respect to claims 15-19, claim 15 recites a handle which receives the opposite ends of the fingers and in which the vibrator is disposed. Taylor '771 does not disclose a handle in which opposite ends of fingers are received and in which a vibrator is disposed. It is respectfully noted that claim 24 (which depends from claim 23 and which likewise recites a handle for receiving opposite ends of the fingers and in which the vibrating means is disposed) is correctly not included in the rejection over Taylor '771 in the May 24, 2004 Office Action.

Claims 15-19 should likewise not be included in the rejection over Taylor '771 for at least this reason, namely, recitation in claim 15 of a handle for receiving the opposite ends of the fingers and in which the vibrator is disposed.

Issue 4 **Rejection of claims 1, 4, 6-8, 10, 13-17, 19, 22-27 and 30-32 under 35 U.S.C. §103(a) over Erickson '444 in view of Rabin '799**

Claims 1, 4, 6-8, 10, 13-17, 19, 22-27 and 30-32

Erickson '444 discloses a vibrating motor which includes a handle 5, a motor driven vibration producing unit including an element 14 eccentrically mounted on a motor shaft 7 (see Fig. 4) and a scalp massaging appliance S which includes a spider-like series of resilient fingers 19 (Erickson '444, page 1, lines 12 and 45-49; page 2, lines 47-56).

As noted above, each of the independent claims involved in the present appeal recites a head massaging device comprising a plurality of resilient fingers, each finger having a free end and an opposite end, the fingers defining a head-receiving space which extends between the free ends and the opposite ends of the fingers, the head-receiving space having an opening at one end formed by a juxtaposition of the free ends of the fingers, at least a portion of the head-receiving space having a circumference which exceeds a circumference of the opening, such that, in use, when the device is lowered onto the head, the free ends of the fingers apply pressure to and thus massage the head.

Erickson '444, like Rabin '799, does not disclose or suggest such a head-receiving space. In particular, Erickson '444 does not disclose a head-receiving space, at least a portion of which has a circumference which exceeds a circumference of the opening defined by a juxtaposition of

the free ends of the fingers.

In addition, the Office Action contains a statement that “. . . there appears to be no unobviousness to shape the fingers as desired to best conform to the shape of a person’s head” (May 24, 2004 Office Action, page 4, lines 8-9). It is respectfully noted that whether or not a particular claimed feature would have been obvious is a conclusion which can properly be drawn only based on the disclosure in references, not on the opinion of the U.S. PTO. As noted above, the recitation in the claims that the fingers define a head-receiving space as recited in the claims is what makes it possible for the free ends of the fingers to apply pressure to and massage the head as the head enters the head-receiving space through the opening. Neither Erickson ‘444 nor Rabin ‘799 discloses or suggest such functioning. Erickson ‘444 (like Rabin ‘799) does not disclose fingers which define a head-receiving space, at least a portion of which has a circumference which exceeds the circumference of the opening defined by the free ends of the fingers, as recited in the present claims. As noted above, Rabin ‘799 discloses a scalp massager which, in its rest position, curls up on itself as shown in Fig. 8, and cannot provide the function of applying pressure by fingers to massage the head as the head enters the head-receiving space through the opening defined by the free ends of the fingers.

Furthermore, the Final Rejection merely asserts that it would have been obvious to modify Erickson ‘444 to shape the fingers to be “a little longer as taught by Rabin so as to cover more of the head and massage more area”, but gives no basis for such assertion. Rabin ‘799 contains no disclosure which indicates that the design of its frame 12 (or crosspieces 30 and 32) would be suitable in any way on a device as disclosed in Erickson ‘444.

Issue 5 **Rejection of claim 33 under 35 U.S.C. §103(a) over Erickson '444 in view of Rabin '799, further in view of Rowe '217**

Claim 33 is allowable for the same reasons that claim 32 (from which claim 33 depends) is allowable, as discussed above.

VIII. CONCLUSION

Accordingly, the Honorable Board of Patent Appeals and Interferences is respectfully requested to reverse the Final Rejection of claims 1-4 and 6-33 and to pass this application to allowance and issuance.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

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O P E R A T I O N
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APPENDIX A

1. A head massaging device comprising:
a plurality of resilient fingers, said fingers each having a free end and an opposite end,
said opposite ends being coupled together; and
an electric vibrator coupled to said opposite ends of said fingers, said electric vibrator
generating vibrations which cause the vibrator to vibrate, said vibrations being transmitted
from said vibrator to said opposite ends of said fingers and through said fingers to said free
ends of said fingers; said fingers defining a head-receiving space for receiving a head, said
space extending between said free ends and said opposite ends and having an opening at one
end formed by a juxtaposition of said free ends of said fingers, said opening being smaller
than said head, and at least a portion of said head-receiving space having a circumference
which exceeds a circumference of said opening whereby, in use, when said device is lowered
onto said head so that said head enters said head-receiving space through said opening, said
free ends of said fingers apply pressure to and thus massage said head.

2. The device according to claim 1, wherein said fingers are pliable so that the size
and shape of said opening can be varied.

3. The device according to claim 2, wherein said fingers comprise wire.

4. The device according to claim 1, wherein said device comprises from four to
twenty four said fingers.

6. The device according to claim 1 further including a handle for gripping said
massaging device, said handle receiving said opposite ends of said fingers and housing said
electric vibrator.

7. A head massaging device including at least:
 - a plurality of resilient and pliable fingers, said fingers each having a free end and an opposite end;
 - a vibrator coupled to said opposite ends of said fingers, said vibrator generating vibrations which cause the vibrator to vibrate, said vibrations being transmitted from said vibrator to said opposite ends of said fingers and through said fingers to said free ends of said fingers; and

 said fingers defining a self-supporting head-receiving space for receiving a head, said space extending between said free ends and said opposite ends and having a self-maintained opening at one end formed by a juxtaposition of said free ends of said fingers, said opening being of a circumference smaller than a circumference of said head, whereby said head can fit inside said space with said free ends in contact with said head, and at least a portion of said head-receiving space having a circumference which is greater than said circumference of said opening whereby, in use, when said device is lowered on to said head so that said head enters said head-receiving space through said opening, said free ends of said fingers apply pressure to and thus massage said head.

- 8. The device according to claim 7, wherein each said free end of each said finger is smoothly terminated.
- 9. The device according to claim 8, wherein each said free end is terminated in a bulb or ball structure.
- 10. The device according to claim 7, wherein said fingers comprise wire.
- 11. The device according to claim 10, wherein said fingers are electrically conductive.
- 12. The device according to claim 11, wherein said fingers comprise copper wire.

13. The device according to claim 7, wherein said device comprises from four to twenty four said fingers.

14. The device according to claim 7, wherein said opposite ends of said fingers terminate in or form a handle for gripping and manipulating said massaging device, said handle further housing said vibrator.

15. A head massaging device including at least:

a plurality of resilient fingers, said fingers each having a free end and an opposite end; a vibrator coupled to said opposite ends of said fingers, said vibrator generating vibrations which cause the vibrator to vibrate, said vibrations being transmitted from said vibrator to said opposite ends of said fingers and through said fingers to said free ends of said fingers;

and a handle for receiving said opposite ends and in which is disposed said vibrator; each of said fingers having a transversely extending portion immediately adjacent the handle, each said transversely extending portion being followed by a contiguous portion extending downwardly and inwardly from said transversely extending portion, said contiguous portion terminating in said free end, said transversely extending portion and said contiguous portion of said fingers together defining a head-receiving space for receiving a head, said space extending between said free ends and said opposite ends and having an opening at one end formed by a juxtaposition of said free ends of said fingers, said opening having a circumference smaller than a circumference of said head, and at least a portion of said head-receiving space having a circumference which exceeds said circumference of said opening whereby, in use, when said device is lowered on to said head so that said head enters said head-receiving space through said opening, said free ends of said fingers apply pressure to and thus massage said head.

16. The device according to claim 15, wherein said fingers are pliable so that the size and shape of said opening can be varied.

17. The device according to claim 15, wherein each said free end of each said finger is smoothly terminated.

18. The device according to claim 17, wherein each said free end is terminated in a bulb or ball structure.

19. The device according to claim 15, wherein said fingers comprise wire.

20. The device according to claim 19, wherein said fingers are electrically conductive.

21. The device according to claim 20, wherein said fingers comprise copper wire.

22. The device according to claim 15, wherein said device comprises from four to twenty four said fingers.

23. A head massaging device comprising a plurality of resilient non-rotating fingers, said fingers each having a free end and an opposite end, said opposite ends being coupled together, said fingers defining a head-receiving space for receiving a head, said space extending between said free ends and said opposite ends and having an opening at one end formed by a juxtaposition of said free ends of said fingers, said opening being smaller than said head, and at least a portion of said head-receiving space having a circumference which exceeds a circumference of said opening; and an electric vibrator coupled to said opposite ends of said fingers whereby vibrations generated by said vibrator are transmitted from said opposite ends through said fingers to said free ends whereby, in use, when said device is lowered onto said head so that said head enters said head-receiving space through said opening, said free ends of said fingers apply pressure to and thus massage said head.

24. The device according to claim 23 further including a handle for receiving opposite ends of said fingers and in which is disposed said vibrating means.

25. The device according to claim 24, wherein said fingers are pliable so that the size and shape of said opening can be varied.

26. A head massaging device including at least:

a plurality of resilient and non-rotating fingers, said fingers each having a free end and an opposite end;

a vibrator coupled to said opposite ends whereby said opposite ends are fixed relative to said vibrator and vibrations generated by said vibrator are transmitted along said fingers from said opposite ends to said free ends; and

said fingers defining a self-supporting head-receiving space for receiving a head, said space extending between said free ends and said opposite ends and having a self-maintained opening at one end formed by a juxtaposition of said free ends of said fingers, said opening being of a circumference smaller than a circumference of said head, whereby said head can fit inside said space with said free ends in contact with said head, and at least a portion of said head-receiving space having a circumference which is greater than said circumference of said opening whereby, in use, when said device is lowered on to said head so that said head enters said head-receiving space through said opening, said free ends of said fingers apply pressure to and thus massage said head.

27. The device according to claim 26, wherein each said free end of each said finger is smoothly terminated.

28. The device according to claim 27, wherein each said free end is terminated in a bulb or ball structure.

29. The device according to claim 26, wherein said opposite ends of said fingers terminate in or form a handle for gripping said massaging device, said handle further housing said vibrator.

30. A head massaging device including at least:

a plurality of resilient non-rotating fingers, said fingers each having a free end and an opposite end;

a vibrator coupled to said opposite ends whereby vibrations generated by said vibrator are transmitted along said fingers from said opposite ends to said free ends;

and a handle for receiving said opposite ends and in which is disposed said vibrator, said opposite ends fixed relative to said vibrator,

each of said fingers having a transversely extending portion immediately adjacent the handle, each said transversely extending portion being followed by a contiguous portion extending downwardly and inwardly from said transversely extending portion, said contiguous portion terminating in said free end, said transversely extending portion and said contiguous portion of said fingers together defining a head-receiving space for receiving a head, said space extending between said free ends and said opposite ends and having an opening at one end formed by a juxtaposition of said free ends of said fingers, said opening having a circumference smaller than a circumference of said head, and at least a portion of said head-receiving space having a circumference which exceeds said circumference of said opening whereby, in use, when said device is lowered on to said head so that said head enters said head-receiving space through said opening, said free ends of said fingers apply pressure to and thus massage said head.

31. The device according to claim 30, wherein said fingers are pliable so that the size and shape of said opening can be varied.

32. The device according to claim 30, wherein each said free end of each said finger is smoothly terminated.

33. The device according to claim 32, wherein each said free end is terminated in a bulb or ball structure.